



01-22-08

Attorney's Docket No.: 17601-043001 / 067083.0205

JEW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joseph A. Zupanick
Serial No. : 10/630,345
Filed : July 29, 2003
Title : METHOD AND SYSTEM FOR ACCESSING SUBTERRANEAN DEPOSITS
FROM THE SURFACE AND TOOLS THEREFOR

Art Unit : 3673
Examiner : John J. Kreck
Conf. No. : 9309

MAIL STOP AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

01/23/2008 TNGUYEN2 00000042 061050 10630345
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INFORMATION DISCLOSURE STATEMENT

Applicant requests consideration of the materials listed on the attached PTO-1449 form. The materials relate to a suit involving patents to which the above-mentioned application claims priority. Specifically, the suit is CNX Gas Corporation and CNX Gas Company LLC vs. CDX Gas, LLC, Civil Action No. 05-1574 in the Western District of Pennsylvania, and concerns U.S. Patent Nos. 6,357,523; 6,561,288; 6,604,580; 6,679,322; 6,964,298; and 6,976,533.

The materials includes the parties' complaints and answers, contentions, responses to interrogatories and requests for admissions, filings related to claim construction and filings related to summary judgments on entitlement of the asserted claims to the filing date of the 6,280,000 patent. The Court has ruled on claim construction and has ruled that the asserted claims are entitled to the filing date of the 6,280,000 patent. The Court's rulings and orders concerning these two subjects are included. The suit is not over, and is likely to generate additional information. While the present application is pending, Applicant will provide any such additional information that it believes may be material to patentability of the present application.

The suit has produced a substantial volume of information, and this submission does not include it all. However, Applicant has included, in this submission and a separate submission of proprietary information in accordance with MPEP § 724, the parties' filings relating to summary judgment concerning infringement, willfulness, validity and enforceability of the patents in suit. The parties' filings relating to summary judgments on damages were omitted. The filings

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Express Mail Label No. EV959834287USJanuary 18, 2008

Date of Deposit

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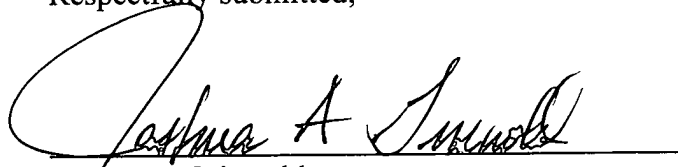
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submitted by Applicant are believed to be representative of the information the parties' deemed most relevant to the Court. Notably, Applicant has also included the Court's docket for the case. To the extent the Examiner identifies from the docket or otherwise believes there is any additional information that may be material to patentability of one or more of the claims of the present application, the Examiner is encouraged to contact the attorneys for Applicant to request such information.

Finally, Applicant appreciates the volume of the materials submitted herewith, and hereby offers to visit the Patent Office in person in order to facilitate the Examiner's review and answer any questions.

The Commissioner is hereby authorized to charge the amount of \$180 in payment of the late filing fee and any other deficiencies or required fees or any credits to deposit account 06-1050, referencing the attorney docket number shown above.

Respectfully submitted,



Joshua A. Griswold
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Date: January 18, 2008

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